



ENTERED  
05/20/2021

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<p>In re:</p> <p>GRIDDY ENERGY LLC,<sup>1</sup></p> <p style="text-align: center;">Debtor.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>Chapter 11</p> <p>Case No. 21-30923 (MI)</p> <p><b>Re: Docket No. 200</b></p>
--	---	--

**ORDER AUTHORIZING THE EMPLOYMENT AND RETENTION OF  
MCDERMOTT WILL & EMERY LLP AS COUNSEL TO THE OFFICIAL  
COMMITTEE OF UNSECURED CREDITORS EFFECTIVE AS OF APRIL 5, 2021**

Upon the application (the “Application”)<sup>2</sup> of the Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned chapter 11 case for entry of an order authorizing the Committee to employ and retain McDermott Will & Emery LLP (“McDermott”) as counsel effective as of April 5, 2021, the date on which the Committee determined to employ McDermott as its counsel in this Chapter 11 Case, pursuant to sections 328(a) and 1103 of the Bankruptcy Code; and upon the Gibbs Declaration attached to the Application as **Exhibit B**; and the Court having jurisdiction pursuant to section 1334 of the Bankruptcy Code to consider the Application and the relief requested therein; and venue being proper in this Court pursuant to sections 1408 and 1409 of title 28 of the United States Code; and the Court being satisfied that notice of the Application and the opportunity for a hearing on the Application was appropriate under the particular circumstances and no further or other notice need be given; and the Court being satisfied, based on the representations made in the Application and the Gibbs Declaration

<sup>1</sup> The last four digits of its federal tax identification number of the Debtor are 1396. The mailing address for the Debtor is PO Box 1288, Green Farms, CT 06838.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Application.

that McDermott does not represent or hold any interest materially adverse to the Debtor or its estate as to the matters upon which McDermott has been and is to be employed, and that McDermott is a “disinterested person,” as such term is defined in section 101(14) of the Bankruptcy Code; and that while employed by the Committee, McDermott will not represent any other person or entity having an adverse interest in connection with this Chapter 11 Case; and this Court having determined that the legal and factual bases set forth in the Application and the Gibbs Declaration establish just cause for the relief granted herein; and upon the informal comments of the Debtor; and after due deliberation and sufficient cause appearing therefor, it is hereby ORDERED as follows:

1. Pursuant to sections 328 and 1103(a) of the Bankruptcy Code and Bankruptcy Rule 2014, the Committee is authorized to employ and retain McDermott as its counsel effective as of April 5, 2021 on the terms set forth in the Application and the Gibbs Declaration, *provided* that the hourly rate charged for services provided by any non-lawyer professional shall not exceed \$540 per hour.
2. McDermott shall apply for compensation and professional services rendered and reimbursement of expenses incurred in connection with the Debtor’s Chapter 11 Case in compliance with sections 330 and 331 of the Bankruptcy Code, and applicable provisions of the Bankruptcy Rules, the Local Bankruptcy Rules, and such other procedures as may be fixed by order of this Court.
3. Notwithstanding anything to the contrary contained in the Application or the Gibbs Declaration, if McDermott applies for payment of compensation during the chapter 11 case on a monthly or interim basis pursuant to the *Order Establishing Procedures for Interim Compensation*

*and Reimbursement of Expenses for Professionals* [Docket No. 184] (the “Interim Compensation Procedures Order”), any and all such applications shall include a calculation of the actual weighted blended hourly rate of all timekeepers (the “Current Blended Rate”) from the date of McDermott’s retention through the end of the period covered by the applicable application (such period, the “Fee Period”). If the Current Blended Rate exceeds \$850.00 for any Fee Period, then, solely for such Fee Period, the application shall discount McDermott’s fees in an amount necessary such that the Current Blended Rate is not greater than \$850.00 (a “Reduction”). Notwithstanding a Reduction for any Fee Period, McDermott may recoup the amount of such Reduction in any subsequent Fee Period to the extent that the Current Blended Rate for such subsequent Fee Period is less than \$850.00. In McDermott’s final fee application filed in this chapter 11 case, McDermott will perform a final calculation of the Current Blended Rate and, if applicable, will be entitled to recoup any Reduction to the extent that the Current Blended Rate (measured from the date of McDermott’s retention through the conclusion of this chapter 11 case) is less than \$850.00. Notwithstanding anything else set forth in this Order, all compensation sought by McDermott will be subject to the Interim Compensation Procedures Order.

5. McDermott will provide ten days’ advance written notice of any rate increases to the Committee, the United States Trustee, and the Debtor, and will file a Supplemental Affidavit with the Court.

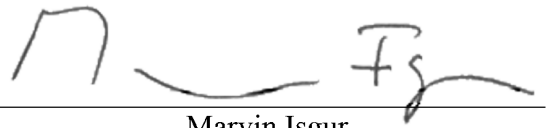
6. The Committee and McDermott are authorized to take all actions they deem necessary and appropriate to effectuate the relief granted pursuant to this Order in accordance with the Application.

7. To the extent the Application or the Gibbs Declaration, is inconsistent with this Order, the terms of this Order shall govern.

8. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

9. During the course of this Chapter 11 Case, this Court has and shall retain exclusive jurisdiction to hear and determine all matters arising from the implementation of this Order.

Signed: May 20, 2021



---

Marvin Isgur  
United States Bankruptcy Judge

United States Bankruptcy Court  
Southern District of Texas

In re:  
Griddy Energy LLC  
Official Committee Of Unsecured Creditor  
Debtors

Case No. 21-30923-mi  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0541-4  
Date Rcvd: May 20, 2021

User: TylerLaws  
Form ID: pdf002

Page 1 of 3  
Total Noticed: 10

The following symbols are used throughout this certificate:

**Symbol                      Definition**

+                      Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 22, 2021:**

Recip ID	Recipient Name and Address
db	+ Griddy Energy LLC, P.O. Box 1288, Greens Farms, CT 06838-1288
cr	+ Buchalter, a Professional Corporation, Buchalter PC, Shawn M. Christianson, Esq., 55 2nd St., 17th Fl., San Francisco, Ca 94105-3493
intp	+ Griddy Technologies LLC, Griddy Holdings LLC, Grid, c/o Marty L. Brimmage, Jr., Akin Gump Strauss Hauer & Feld LLP, 2300 N. Field St., Suite 1800, Dallas, TX 75201-4675
intp	+ Karen Prescott, c/o Jordan Holzer & Ortiz, 500 N Shoreline Blvd., Suite 900, Corpus Christi, TX 78401-0341
cr	+ Lisa Sandifer Khoury, 6227 Oleander, Baytown, TX 77523-8252
intp	+ State of Texas, c/o Texas Attorney General's Office, Bankruptcy & Collections Division, P. O. Box 12548 MC-008, Austin, TX 78711-2548
op	+ Stretto, 410 Exchange, Suite 100, Irvine, CA 92602-1331
cr	+ Texas-New Mexico Power Company, Jackson Walker LLP, Attn: Bruce J. Ruzinsky, 1401 McKinney Street, Suite 1900, Houston, TX 77010-1900
intp	+ multiple injured and death case tort claimants, c/o Jordan Holzer & Ortiz, 500 N Shoreline, Suite 900, Corpus Christi, TX 78401-0341

TOTAL: 9

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	Email/Text: houston_bankruptcy@LGBS.com	May 20 2021 19:54:00	Harris County, et al., Linebarger Goggan Blair & Sampson LLP, c/o Tara L. Grundemeier, P.O. Box 3064, Houston, TX 77253-3064

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
intp		Bernice Willman
cr		Charles Huppert
cr		ERCOT
intp		Luminant Energy Company LLC
cr		Macquarie Energy LLC
cr		Macquarie Investments US Inc.
cr		Official Committee Of Unsecured Creditors
intp		Public Utility Commission of Texas
cr		Thomas Clark

TOTAL: 9 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

District/off: 0541-4  
Date Rcvd: May 20, 2021

User: TylerLaws  
Form ID: pdf002

Page 2 of 3  
Total Noticed: 10

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 22, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 20, 2021 at the address(es) listed below:

Name	Email Address
Abigail R. Ryan	on behalf of Interested Party State of Texas Abigail.Ryan@oag.texas.gov
Bruce J Ruzinsky	on behalf of Creditor Texas-New Mexico Power Company bruzinsky@jw.com msalinas@jw.com;kgradney@jw.com;dtrevino@jw.com
Charles R Gibbs	on behalf of Creditor Committee Official Committee Of Unsecured Creditors crgibbs@mwe.com dnorthrop@mwe.com;cgreer@mwe.com
Christopher R. Newcomb	on behalf of Debtor Griddy Energy LLC chris.newcomb@bakerbotts.com jacob.herz@bakerbotts.com
David Robert Eastlake	on behalf of Debtor Griddy Energy LLC david.eastlake@bakerbotts.com
Deborah Michelle Perry	on behalf of Creditor ERCOT dperry@munsch.com
James Ryan Fowler	on behalf of Plaintiff Lisa Khoury rfowler@potts-law.com pcolburn@potts-law.com
James Ryan Fowler	on behalf of Creditor Lisa Sandifer Khoury rfowler@potts-law.com pcolburn@potts-law.com
Jamil N Alibhai	on behalf of Creditor ERCOT jalibhai@munsch.com atellez@munsch.com
Jana Smith Whitworth	on behalf of U.S. Trustee US Trustee jana.whitworth@usdoj.gov
Jason B. Binford	on behalf of Interested Party Public Utility Commission of Texas Jason.binford@oag.texas.gov
Jeffrey R Cox	on behalf of Interested Party Bernice Willman jcox@slmpc.com
John Lawrence	on behalf of Defendant Griddy Holdings LLC john.lawrence@bakerbotts.com jessica.aquino@bakerbotts.com
John Lawrence	on behalf of Defendant Griddy Energy LLC john.lawrence@bakerbotts.com jessica.aquino@bakerbotts.com
John Lawrence	on behalf of Debtor Griddy Energy LLC john.lawrence@bakerbotts.com jessica.aquino@bakerbotts.com
Jonathan Rubenstein	on behalf of Defendant Griddy Holdings LLC jonathan.rubenstein@bakerbotts.com
Jonathan Rubenstein	on behalf of Defendant Griddy Energy LLC jonathan.rubenstein@bakerbotts.com
Karen Hope Beyea-Schroeder	on behalf of Creditor Thomas Clark karen.schroeder@rburnettlaw.com
Karen Hope Beyea-Schroeder	on behalf of Creditor Charles Huppert karen.schroeder@rburnettlaw.com
Kelli S. Norfleet	on behalf of Creditor Macquarie Energy LLC kelli.norfleet@haynesboone.com kenneth.rusinko@haynesboone.com
Kelli S. Norfleet	on behalf of Creditor Macquarie Investments US Inc. kelli.norfleet@haynesboone.com kenneth.rusinko@haynesboone.com

District/off: 0541-4  
Date Rcvd: May 20, 2021

User: TylerLaws  
Form ID: pdf002

Page 3 of 3  
Total Noticed: 10

Kevin Chiu	on behalf of Debtor Griddy Energy LLC kevin.chiu@bakerbotts.com
Kevin M Lippman	on behalf of Creditor ERCOT klippman@munsch.com pmoore@munsch.com
Marty L Brimmage	on behalf of Interested Party Griddy Technologies LLC Griddy Holdings LLC, Griddy VI Series A Holdings LLC and Griddy Pro LLC (collectively, the "Non-Debtor Affiliates") mbrimmage@akingump.com, lmonreal@akingump.com;bkemp@akingump.com;rfizette@akingump.com;millerk@akingump.com
Michael Alan Rosenthal	on behalf of Interested Party Luminant Energy Company LLC MBischoping@gibsondunn.com;kmatorana@gibsondunn.com
Rachel Ruth Obaldo	on behalf of Interested Party State of Texas bk-robaldo@oag.texas.gov sherri.simpson@oag.texas.gov
Riley Burnett	on behalf of Creditor Thomas Clark rburnett@rburnettlaw.com
Riley Burnett	on behalf of Creditor Charles Huppert rburnett@rburnettlaw.com
Robin Spigel	on behalf of Debtor Griddy Energy LLC robin.spigel@bakerbotts.com
Shawn M Christianson	on behalf of Creditor Buchalter a Professional Corporation schristianson@buchalter.com, cmcintire@buchalter.com
Shelby A Jordan	on behalf of Interested Party Karen Prescott cmadden@jhwclaw.com
Shelby A Jordan	on behalf of Interested Party multiple injured and death case tort claimants cmadden@jhwclaw.com
Stephen Douglas Statham	on behalf of U.S. Trustee US Trustee stephen.statham@usdoj.gov
Tara L Grundemeier	on behalf of Creditor Harris County et al. houston_bankruptcy@publicans.com
Trey A Monsour	on behalf of Interested Party Karen Prescott tmonsour@foxrothschild.com rsolomon@foxrothschild.com;sslater@foxrothschild.com
US Trustee	USTPRegion07.HU.ECF@USDOJ.GOV
TOTAL: 36	